

REMARKS

The Office Action dated September 9, 2004 has been fully considered by Applicants. The allowance of claims 5-10, 19-21 and 24 if rewritten in independent form is gratefully acknowledged. Claims 1, 4, 6, 9, 15-17 and 20-22 are currently amended; claims 2-3, 7-8, 10-13, 18, 23 and 25 have been previously presented; and claims 5, 14, 19 and 24 are currently canceled. Claim 26 has been added.

Attached are proposed Figures 1 and 2 as requested by Examiner Tran. No new matter has been added.

Claims 1-2, 4, 11, 13-18, 22-23 and 25 have been rejected under 35 USC 102(b) as being anticipated by European Patent No. 0 914 101 A2 to Takeo Ohishi. As now amended, reconsideration of the rejection is respectfully requested.

Applicant's independent claims 1 and 22 have been currently amended to include the claims 5 and 24 limitations, respectively, that a pseudo stable reference is produced by extracting/deriving at least one value from an average value of stable frequency references embedded in incoming data. The '101 patent to Takeo Ohishi does not include extracting/deriving at least one value from an average value of stable frequency references embedded in incoming data. Therefore, Applicant sincerely believes that currently amended claims 1 and 22 are novel over the '101 Takeo Ohishi patent. Claims 2, 4, 11, 13-18, 23 and 25 are dependent claims based on independent claims 1 and 22 which Applicant believes are novel over the cited references for the same reasons.

Claims 3 and 12 have been rejected under 35 USC 103(a) as being unpatentable over European Patent No. 0 914 101 A2 to Takeo Ohishi. Claims 3 and 12 depend upon currently amended independent claim 1 and are therefore believed to overcome the 103(a) rejection.

Claims 5-10, 19-21 and 24 have been objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Claim 5 is currently canceled but has been included in currently amended independent claim 1. Claim 19 is currently canceled and is now a part of new claim 26. Claim 24 is currently canceled and now forms a part of independent claim 22.

It is believed that the application is now in condition for allowance and such action is earnestly solicited. If any further issues remain, a telephone conference with the Examiner is respectfully requested. If there are any charges associated with this amendment, the Examiner is hereby authorized to charge such charges to Deposit Account No. 08-1500.

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Respectfully submitted,



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